

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LAUGH FACTORY, INC.,

Plaintiff,

- against -

RICHARD BASCIANO, 303 W. 42<sup>nd</sup> STREET REALTY  
COMPANY, 303 W.42<sup>nd</sup> STREET LLC,  
Defendants.

-----X  
STATE OF NEW YORK )

) ss.:

COUNTY OF QUEENS )

Shaun Jackson, being duly sworn, deposes and says: Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New York.

On March 5, 2008, at approximately 8:31 a.m., at 300 West 43<sup>rd</sup> Street, Suite 400, New York, NY 10036, which upon information and belief is the place of business of Richard Basciano, Deponent served the within Civil Cover Sheet, Summons, Complaint, Individual Rules of Judge Rakoff, Individual Practices of Magistrate Judge Peck, Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction, Consent of Exercise of Jurisdiction, 3rd Amended Instructions for filing an Electronic Case or Appeal, Procedures for Electronic Case Filing, Guidelines for Electronic Case Filing, Notice of Court Conference, Notice of Appearance of Brendan O' Rourke and Notice of Appearance of Jennifer de Wolf Paine upon: **Richard Basciano**, by delivering to and leaving with "John Doe", who refused to give his name but stated that he is an employee of 303 W. 42<sup>nd</sup> Street Realty Company, a true and correct copy of said documents.

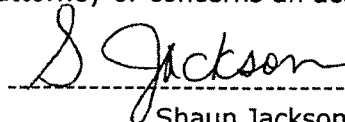
At the time of said service "John Doe" confirmed that Richard Basciano works at the aforementioned address.

"John Doe" is described a white male, approximately 50-55 years of age, 170-180 lbs., 5'6"-5'7" tall, with black hair and glasses.

Deponent also states that on March 6, 2008, Deponent served a copy of the aforementioned documents upon Richard Basciano, by depositing a true and correct copy thereof, enclosed in a securely sealed, fully post paid, First Class Mail Envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within the State of New York, addressed as follows:

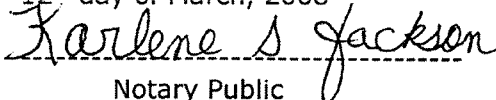
Richard Basciano  
300 West 43<sup>rd</sup> Street, Suite 400  
New York, NY 10036

Deponent further states that the envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerns an action against the addressee.

  
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Shaun Jackson  
Lic # 1200125

Sworn to before me this  
12<sup>th</sup> day of March, 2008

  
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Notary Public

Karlene S. Jackson, Notary Public  
State of New York, #01JA5083169  
Qual. In Queens Cty, New York Cty  
Commission Expires November 17, 2009